

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JIMMY BARFIELD,)	
)	Case No.: 8:16-cv-00019
Plaintiff,)	
)	
v.)	MOTION TO DISMISS
)	
MIDTOWN GAS AND GROCERY,)	
AMERICAN ENTERPRISE PROPERTIES)	
NEBRASKA 1222 SOUTH 4 TH STREET,)	
LLC; BRAD GORDON, AND DOES 1-5)	
INCLUSIVE)	
Defendants.)	
)	

Defendants, Midtown Gas and Grocery; American Enterprise Properties Nebraska 1222 South 4th Street, LLC ("AEP"); and Brad Gordon, by and through counsel and pursuant to [FED. R. CIV. P. 12\(b\)\(1\)](#) and [12\(b\)\(6\)](#), respectfully request that this Honorable Court dismiss Plaintiff's claims asserted against all Defendants with prejudice. In support of this motion, Defendants is submitting a Brief in Support filed contemporaneously herewith and incorporated herein by reference.

WHEREFORE, Defendants Midtown Gas and Grocery; American Enterprise Properties Nebraska 1222 South 4th Street, LLC; and Brad Gordon, respectfully request that this Honorable Court enter an order dismissing Plaintiff's claims with prejudice. Defendants further request such other and further relief as is just and equitable.

DATED this 6th day of April, 2016.

MIDTOWN GAS AND GROCERY; AMERICAN
ENTERPRISE PROPERTIES NEBRASKA 1222
SOUTH 4TH STREET, LLC; BRAD GORDON,
Defendants

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Said Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of April, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record.

BY: s/ Adam J. Prochaska
Said Attorney